

contained more than 3.76 grams, namely, not less than 4.61 grams of cinchona alkaloid sulphates per 1,000 cubic centimeters, whereas the said formulary provided that elixir calisaya with iron (Elixir Cinchonae Alkaloids with Iron N. F.) should contain 940 cubic centimeters of the elixir of cinchona alkaloids N. F. per 1,000 cubic centimeters, that is, 3.76 grams of cinchona alkaloid sulphates per 1,000 cubic centimeters; and the standard of strength, quality, and purity of the articles was not declared on the containers thereof.

Misbranding was alleged for the reason that the following statements borne on the labels of the respective articles were false and misleading: "Sweet Spirit of Nitre (Spirit of Nitrous Ether U. S. P.) alcohol 92%"; "Spirit of Camphor (Spiritus Camphorae U. S. P.) alcohol 90%"; "Tincture Nux Vomica U. S. P."; "Tincture Cinchona U. S. P."; "Elixir Cinchonae Alkaloids N. F." (with respect to the said elixir calisaya); and "Elixir Calysaya With Iron (Elixir Cinchonae Alkaloids With Iron N. F.)". Misbranding was alleged with respect to the said sweet spirits of niter and spirits of camphor for the further reason that the articles contained isopropyl alcohol and the labels failed to bear a statement of the quantity or proportion of isopropyl alcohol contained therein; and for the further reason that they contained alcohol and the labels failed to bear a statement of the quantity or proportion of alcohol contained therein.

On September 29, 1930, the defendant entered a plea of guilty to the information and the court imposed a fine of \$300.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17782. Adulteration and misbranding of Boracetine. U. S. v. 2½ Dozen Bottles, et al., of Boracetine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24851. I. S. No. 034924. S. No. 3196.)

Examinations of samples of a drug product, known as Boracetine, from the herein-described interstate shipment having shown that the article was not antiseptic, and that the labels bore claims of curative properties that the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Missouri.

On June 21, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 2½ dozen small-sized bottles, 5 dozen medium-sized bottles, and 2½ dozen large-sized bottles of Boracetine, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by F. E. Barr & Co., from Chicago, Ill., in 2 consignments, on or about March 6, 1930, and May 2, 1930, respectively, and had been transported from the State of Illinois into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium bicarbonate, sodium borate, potassium chlorate, volatile oils including thymol, menthol, eucalyptol, and cassia oil, alcohol, and water. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, (carton and bottle labels) "Antiseptic," whereas the strength of the article fell below such professed standard, since it was not antiseptic.

Misbranding was alleged for the reason that the following statements appearing upon the bottle label and in the accompanying circular, were false and misleading: (Bottle) "Boracetine will destroy all germ life without injury to the most delicate tissue. Seventy-five per cent of all sickness is caused from germs entering the body through the mouth, throat and nose. Destroy the germs by using Boracetine twice daily as a mouth, throat and nose wash and prevent sickness;" (circular) "Bacteria found in the mouth and throat will not develop or cause infections in alkaline mouths. Stop the fermentation and you remove the source and cause of innumerable ills. Boracetine Antiseptic Stops Fermentation Instantly. * * * The antiseptic, analgesic, and healing properties, together with the pleasant taste, have made hundreds of thousands of constant users of Boracetine. It has been proven on authority that it will kill the organisms causing such diseases as Influenza, Pneumonia, Typhoid, Diphtheria, Sore Throat and Common Colds. Boracetine is an instantaneous deodorant, controlling all offensive odors of the mouth and their causes. The teeth decay from lack of care in most cases. The use of Boracetine will kill the destructive agents that cause acid mouth, tartar, and film;" (cover of

circular showing picture of head and passages leading to nose, mouth, and throat) "70% of all diseases where they will attack." Misbranding was alleged for the further reason that the following statements appearing on the carton and bottle labels and in the accompanying circular were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Sore Throat and Unhealthy Conditions of the Mouth, Gums, Throat and Nose. * * * Sore Throat is nature's warning of approaching sickness, and many cases of serious illness can be avoided by using Boracetine at the first symptom. * * * Tonsillitis * * * Catarrh * * * Canker * * * For eczema * * * and all unhealthy conditions of the skin or scalp, * * * Spongy and Bleeding Gums * * * Ulcers, Infections; (carton) "Effective for Sore Throat and Unhealthy Conditions of the Mouth, Gums, Throat and Nose * * * Sore Throat, Tonsillitis, Infections, * * * Catarrh, Bleeding Gums * * * Eczema * * * Canker Sores;" (circular) "Typhoid Diphtheria Pneumonia Pyorrhea 'Flu' Bacteria Sinusitis * * * One of the most dreaded diseases is Pyorrhea, which rarely ever occurs in a healthy mouth. In the treatment of this disease Boracetine is a valuable adjunct and possesses remarkable curative properties. Trench Mouth has become more and more prevalent since the World War. This affliction can be controlled by the use of Boracetine as one of its base ingredients is the best recognized remedy for this disease. * * * Boracetine heals all inflammations, thus eliminating the discomforts of a sore, irritated mouth, canker sores—in fact, every semblance of mouth discomfort. Boracetine, as well as allaying all mouth discomforts, is equally as effective in the treatment of the throat. It is a known fact that the throat of the average individual is sore, irritated or inflamed at all times. The use of Boracetine will keep the throat in condition."

On September 9, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17783. Misbranding of Alvita tablets. U. S. v. 130 Cartons of Alvita Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25131. I. S. No. 7571. S. No. 3389.)

Samples of a drug product labeled as Alvita tablets having been found to bear in the labeling certain claims of curative and therapeutic properties that the article did not possess, the Secretary of Agriculture reported to the United States attorney for the Northern District of Illinois, the herein-described interstate shipment of a quantity of the article.

On September 15, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 130 cartons of Alvita tablets at Chicago, Ill., alleging that the article had been shipped by the California Alfalfa Products Co., from Lamanda Park, Calif., July 29, 1930, and had been transported from the State of California into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained an extract of plant material, traces of sassafras and celery oils, and starch, coated with calcium carbonate and colored brown.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, borne on the accompanying display card and circular, were false and fraudulent in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers and create in the minds of such purchasers the impression and belief that it was effective as a remedy for the diseases, ailments, and afflictions mentioned therein: (Display card) "For all Kidney, Bladder and Prostatic Trouble. To be used in the treatment of Kidney, Liver and Bladder Ailments, Prostate Gland trouble, Rheumatism, and a general Tonic for a run down condition;" (circular) "Alvita Rejuvenating Tablets for Bladder Irritation, Irregular Bladder Action, and a General Tonic. Alvita Tablets is not only for the bladder and kidneys, but is a concentrated food tonic for your whole system in general. I believe you can bank on these tablets to give results. * * * What The Treatment Consists Of: The Alvita tablets act not only on the bladder, but assist the function of the kidneys, and your system in general. Experience has proven that the